

1 BARRY J. PORTMAN
Federal Public Defender
2 ANGELA M. HANSEN
Assistant Federal Public Defender
3 555 - 12th Street, Suite 650
Oakland, CA 94607-3627
4 Telephone: (510) 637-3500
5 Counsel for Defendant JOHNSON
6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-09-01032 DLJ
)	
11 Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO AUGUST 13, 2010
12 v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND ORDER
13)	
14 LYDIA ROSE JOHNSON,)	
)	Hearing Date: July 23, 2010
15 Defendant.)	Time: 9:00 a.m.
)	
)	

17 The above-captioned matter is set on July 23, 2010 before this Court for a change of plea
18 hearing. The parties jointly request that the Court continue the matter to August 13, 2010 at 9:00
19 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
20 and (B)(iv), between July 23, 2010 and August 13, 2010.

21 Ms. Johnson is charged with 20 counts of aiding and assisting in the preparation of false
22 tax returns, in violation of 26 U.S.C. §7206(2). She faces a statutory maximum of three years
23 imprisonment and one year of supervised release for each count.

24 The current status of the case is that the parties are negotiating this matter and anticipate
25 that there will be a negotiated disposition of the case by the next appearance. In the meantime,
26 the government has produced voluminous discovery to the defense and, while defense counsel

1 has reviewed that discovery, counsel needs additional time to discuss the discovery with her
 2 client in preparation for a change of plea hearing. Moreover, defense counsel needs additional
 3 time to complete legal research regarding a restitution matter in this case.

4 The requested continuance will allow the defense to complete these necessary tasks. For
 5 this reason, the parties agree that the failure to grant this continuance would unreasonably deny
 6 counsel for defendant the reasonable time necessary for effective preparation, taking into
 7 account the exercise of due diligence.

8 The parties further stipulate and agree that the ends of justice served by this continuance
 9 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
 10 parties agree that the period of time from July 23, 2010 to August 13, 2010, should be excluded
 11 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
 12 (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
 13 diligence.

14
 15 DATED: July 19, 2010

_____/S/
 BLAKE D. STAMM
 Assistant United States Attorney

16
 17 DATED: July 19, 2010

_____/S/
 ANGELA M. HANSEN
 Assistant Federal Public Defender

18
 19
 20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
 21 within this e-filed document. _____/S/ ANGELA M. HANSEN

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to review the voluminous discovery materials with her client;
2. Given that the defense needs additional time to conduct legal research regarding a restitution issue in this case;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the change of plea hearing date of July 23, 2010, scheduled at 9:00 a.m., is vacated and reset for August 13, 2010, at 9:00 a.m. for a change of plea hearing. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from July 23, 2010 to August 13, 2010.

DATED: July 22, 2010


HON. D. LOWELL JENSEN
Senior United States District Judge